

Chapter 17. Permit Qualifications and Requirements

§1701. Requirements for Obtaining a Permit

A. In addition to meeting the requirements for permits outlined in the applicable sections of the environmental quality regulations, an applicant shall:

1. have no history of environmental violation(s) that demonstrates to the department an unwillingness or inability to achieve and maintain compliance with the permit for which the application is being made, unless the department determines that the applicant's history of environmental violation(s) can be adequately addressed by permit conditions;
2. if required, register with the Secretary of State;
3. owe no outstanding fees or final penalties to the department; and
4. if under a compliance schedule, be making satisfactory progress in meeting the conditions of the compliance schedule.

B. Before issuing any permit or transfer of ownership of a permit, the administrative authority may conduct an evaluation of the applicant related to the management of any facilities or activities subject to regulation under any applicable air, water, solid waste, hazardous waste, radiation control, or other environmental programs administered by the various states of the United States or by the federal government. If, pursuant to this evaluation, the administrative authority determines that the applicant has demonstrated an unwillingness or inability to achieve and maintain compliance with the permit for which application is being made, the administrative authority may:

1. include such conditions in the permit as reasonably deemed necessary for the protection of human health and the environment; or
2. deny any application for the issuance or transfer of the permit.

C. The applicant shall provide to the Office of Environmental Services a list of the state(s) where he or she has federal or state environmental permits identical to, or of a similar nature to, the permit for which application is being made. This information shall be provided for all individuals, partnerships, corporations, or other entities who own a controlling interest (50 percent or more) in the company or who participate in the environmental management of the facility for an entity applying for a permit or an ownership interest.

D. In addition to providing the information required in Subsection C of this Section, the applicant shall submit a written statement to the Office of Environmental Services as part of the permit application, to certify that:

1. if required, the applicant has registered with the secretary of state; and
2. no outstanding fees or final penalties are owed to the department.

E. The administrative authority may require the submission of additional information if the administrative authority deems such information necessary in order to make a determination under this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 25:660 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2441 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2433 (October 2005), LR 33:2079 (October 2007).

Chapter 19. Facility Name and Ownership/Operator Changes Process

§1901. Applicability

A. This Chapter applies to name and ownership/operator changes at facilities that are under the purview of the air, water, hazardous waste, and solid waste regulatory programs. Written notifications of these changes shall be submitted to the department for facilities applying for or holding any air permits, Louisiana Pollutant Discharge Elimination System (LPDES) permits, hazardous waste permits, and solid waste permits. A name, ownership, and/or operator change will be considered a minor permitting action or administrative amendment.

B. When the ownership of a facility holding an LPDES permit changes and there is no change to the operator of that facility, a permit transfer is not required. Notification of the change of ownership is still required in accordance with LAC 33:I.1905.

C. The terms *administratively complete*, *administrative amendment*, *financial assurance*, and *minor modification* as used in this Chapter shall have the same meaning and intent as when used in LAC 33:Parts III, V, VII, and IX.

D. This Chapter does not supersede any otherwise applicable requirements addressing administrative amendments or modifications in the air, LPDES, hazardous waste, and solid waste programs, in particular, applicable MACT rules or acid rain program requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005).

§1903. Liability

A. The previous owner or operator retains responsibility for compliance with all permit terms and conditions until the permit has been transferred in accordance with this Chapter.

B. The previous owner or operator retains responsibility for compliance with the financial requirements until the new

owner or operator has demonstrated that he or she is complying with the specified financial requirements of Title 33 of the Louisiana Administrative Code (e.g., LAC 33:V.Chapter 37, LAC 33:VII.727.A.1 and 2, and LAC 33:IX.Chapter 67).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005).

§1905. Name Change

A. Changes in the name only of a facility or of its owner/operator shall be made with written notification to the Office of Environmental Services. The owner or operator shall submit a complete Name/Ownership/Operator Change Form (NOC-1 Form) prior to or no later than 45 days after the change. This form may be found on the department's website.

B. Within 30 days after receipt of the complete notification of a change of name of a facility or of its owner/operator, the administrative authority shall notify the owner/operator that the department has received and processed the name change. The effective date of the name change shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

C. For permitted hazardous waste facilities, the permittee shall send a notice of the name change to all persons on the facility mailing list maintained by the administrative authority in accordance with LAC 33:V.717.A.5, and to the appropriate units of state and local government, as specified in LAC 33:V.717.A.2 and 4. This notification shall be made within 90 calendar days after the change is effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005).

§1907. Change of Ownership/Operator—No Financial Assurance Required

A. The administrative authority may approve the transfer of a permit to a new owner or operator where no financial assurance is required, based on the presence of the following factors:

1. documentation clearly identifying the party who will be responsible for existing violations; and
2. evidence of managerial competence on the part of the new owner or operator in accordance with LAC 33:I.1701.

B. Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a Name/Ownership/Operator Change Form (NOC-1 Form) prior to or no later than 45 days after the change. A

written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the previous and new permittees shall also be submitted to the administrative authority. The agreement shall be attached to the NOC-1 Form. The department may initiate action to terminate or revoke an existing media permit for a failure to disclose a change of ownership or operational control within 45 days after the change.

C. Within 30 days after receipt of the complete notification of a change of the ownership or operational control of a facility, the administrative authority shall notify the previous and new owners/operators of the department's approval or disapproval of the transfer of the permit to the new owner or operator based on its evaluation of the factors set forth in Subsection A of this Section. The department will also notify EPA of changes in Title V permits within the same timeframe. The effective date of the permit transfer shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005).

§1909. Change of Ownership/Operator—Financial Assurance Required

A. The administrative authority may approve the transfer of a permit to a new owner or operator where financial assurance is required, based on the following factors:

1. assumption by the new owner or operator of liability for existing violations;

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2. demonstration of compliance with financial responsibility requirements by the new owner or operator; and

3. evidence of managerial competence on the part of the new owner or operator in accordance with LAC 33:I.1701.

B. Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a Name/Ownership/Operator Change Form (NOC-1 Form) prior to or no later than 45 days after the change. The department may initiate action to terminate or revoke an existing media permit for a failure to disclose a change of ownership or operational control within 45 days after the change. The following actions are also required to be completed in conjunction with the change of ownership/operator notification.

1. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the previous and new permittees shall be submitted to the administrative authority. The agreement shall be attached to the NOC-1 Form.

2. Permitted and interim status hazardous waste facilities shall also submit a revised Part I (i.e., Part A) permit application and Hazardous Waste Notification Form (HW-1 Form) in conjunction with the NOC-1 Form.

3. When a transfer of ownership or operational control occurs, the previous owner or operator shall comply with the applicable requirements of LAC 33:V.Chapter 37 (hazardous waste financial requirements), LAC 33:VII.727.A.1 and 2 (solid waste financial assurance requirements), and LAC 33:IX.Chapter 67 (water financial security requirements) until the new owner or operator has demonstrated that he or she is complying with the applicable requirements of LAC 33:V.Chapter 37, LAC 33:VII.727.A.1 and 2, and LAC 33:IX.Chapter 67.

C. The new owner or operator shall demonstrate compliance with the applicable requirements of LAC 33:V.Chapter 37, LAC 33:VII.727.A.1 and 2, and LAC 33:IX.Chapter 67 within six months of the date of the change of ownership or operational control of the facility. Upon adequate demonstration to the administrative authority by the new owner or operator of compliance with these financial assurance requirements, the administrative authority shall notify the previous owner or operator that he or she no longer needs to comply with the financial assurance requirements as of the date of demonstration.

D. Within 45 days after receipt of the complete notification of a change of ownership or operational control of a facility, the administrative authority shall notify the previous and new owners/operators of the department's approval or disapproval of the transfer of the permit to the new owner or operator based on its evaluation of the factors set forth in Subsection A of this Section. The effective date of the permit transfer shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

E. For permitted hazardous waste facilities, the new permittee shall send a notice of the change of ownership or operational control to all persons on the facility mailing list maintained by the administrative authority in accordance with LAC 33:V.717.A.5, and to the appropriate units of state and local government, as specified in LAC 33:V.717.A.2 and 4. This notification shall be made within 90 calendar days after the administrative authority has provided a written response approving the transfer of the permit and the change has been put into effect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2429 (October 2005).

§1911. Fees for Name and Ownership/Operator Changes

A. Notifications of name or ownership/operator changes at a facility shall be submitted by the new owner or operator with the appropriate fees. The fees listed below cover the cost of reviewing, evaluating, and processing a name or ownership/operator change that has occurred at the facility.

Name and Ownership/Operator Change Fees	
Program	LAC Citation for Fee
Air	LAC 33:III.223, Fee Number 2000
Hazardous Waste	LAC 33:V.5123.A
Solid Waste: Type I, I-A, II, and II-A Facilities	LAC 33:VII.525.C (N/A for name change alone)
Solid Waste: Type III Facilities or Beneficial Use Facilities	LAC 33:VII.525.D (N/A for name change alone)
LPDES	LAC 33:IX.1309.D.4 (N/A for name change alone)

B. Method of Payment. All fee payments shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the NOC-1 Form.

C. Failure to Pay. Failure to pay the prescribed name change or ownership/operator change fee as provided herein shall result in the change request not being processed by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2429 (October 2005).